

**REMARKS/ARGUMENTS**

1. In the above referenced Office Action, the Examiner rejected claims 1, 2, 5-8, 10-14, 17, 18, 21, 23,-28, 29 and 32 under 35 USC § 102 (b) as being anticipated by Whitehead (U.S. Patent No. 5,732,077); and claims 3, 4, 9, 15, 16, 22, 27, 28, 30, and 31 under 35 USC § 103 (a) as being unpatentable over Whitehead (U.S. Patent No. 5,732,077) in view of Park (U.S. Patent No. 6,212,364). These rejections have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 1-3, 5-15, 17-25, 29, 30, and 32-35.

2. Claims 1, 2, 5-8, 10-14, 17, 18, 21, 23,-28, 29 and 32 have been rejected under 35 USC § 102 (b) as being anticipated by Whitehead (U.S. Patent No. 5,732,077). In general, the Examiner stated that the Figure 4 and the corresponding text of Whitehead anticipate the present claims. The applicant respectfully disagrees with the present rejection in light of the amendments made above.

The method of claim 1 has been amended to include transmitting, by the transmitting wireless device, a packet to a targeted wireless device via a wireless channel at a first power level; determining, by the targeted wireless device, signal strength and decoding error information of the packet received via the wireless channel; determining, by the targeted wireless device, whether the signal strength is within an acceptable range of signals strengths; determining, by the targeted wireless device, whether the decoding error information is within an acceptable range of error rate; when the signal strength is

not within the acceptable range of signals strengths or when the decoding error information is not within the acceptable range of error rate, determining, by the targeted wireless device, a second power level for the transmitting wireless device such that the signal strength is within the acceptable range of signals strengths and the decoding error information is within the acceptable range of error rate; and transmitting, by the targeted wireless device, a packet indicating the second power level to the transmitting wireless device via the wireless channel.  
[emphasis added]

Accordingly, the targeted device of claim 1 is using signal strength and error rate to determine whether the transmit power of a transmitting device should be increased or decreased.

In contrast, Whitehead teaches that the receiver determines whether the power of the transmitter should be increased based on a signal to interference ratio. The signal to interference ratio is based on RSSI and the advertised transmit power. (Column 5, lines 40 - 64) As such, Whitehead does not teach or suggest using an error rate to determine adjustment of the transmit power level nor does Whitehead teach or suggest decreasing the transmit power when the signal strength and/or the error rate is above certain thresholds as is presently claimed. Accordingly, claim 1, as amended, overcomes the present rejection.

Claims 2 and 5 - 7 are dependent upon claim 1 which has been shown to overcome the current rejection. The

applicant believes that the same reasons that distinguish claim 1 over the cited prior art are applicable in distinguishing claims 2 and 5 - 7 over the same art.

Claim 8 includes the steps of: transmitting, by the transmitting wireless device, a packet to a targeted wireless device via a wireless channel at a first power level; determining, by the targeted wireless device, signal strength of the packet received via the wireless channel to produce a determined signal strength; transmitting, by the targeted wireless device, the determined signal strength of the packet to transmitting wireless device; determining, by the transmitting wireless device, adequacy of the first power level based on the determined signal strength; when the first power level is not adequate, determining, by the transmitting wireless device, a second power level for the transmitting wireless device based on the determination of the adequacy of the first power level; and adjusting, by the transmitting wireless device, transmit power from the first power level to the second power level when the first power level is not adequate. [emphasis added]

In this claim, the targeted device measures the signal strength and provides it to the transmitting device. The transmitting device determines the adequacy of the transmit power level based on the signal strength.

In contrast, Whitehead teaches that the receiver makes the determination of whether the transmit power should be adjusted. As such, Whitehead does not anticipate claim 8.

Claims 10 - 12 are dependent upon claim 8 which has been shown to overcome the current rejection. The applicant believes that the same reasons that distinguish claim 1 over the cited prior art are applicable in distinguishing claims 10 - 12 over the same art.

Claim 13 has been amended to include similar limitations as claim 1, which has been shown to overcome the present rejection. The applicant believes that the same reasons that distinguish claim 1 over the cited prior art are applicable in distinguishing claim 13 over the same art.

Claims 14, 17, and 18 are dependent upon claim 13 which has been shown to overcome the current rejection. The applicant believes that the same reasons that distinguish claim 13 over the cited prior art are applicable in distinguishing claims 14, 17, and 18 over the same art.

Claim 21 includes similar limitations to claim 8, which has been shown to overcome the present rejection. The applicant believes that the same reasons that distinguish claim 8 over the cited prior art are applicable in distinguishing claim 21 over the same art.

Claim 23 is dependent upon claim 13 which has been shown to overcome the current rejection. The applicant believes that the same reasons that distinguish claim 13 over the cited prior art are applicable in distinguishing claim 23 over the same art.

Claim 24 has been amended to include similar limitations as claim 1, which has been shown to overcome the present rejection. The applicant believes that the same reasons that distinguish claim 1 over the cited prior art are applicable in distinguishing claim 24 over the same art.

Claim 25 is dependent upon claim 24 which has been shown to overcome the current rejection. The applicant believes that the same reasons that distinguish claim 24 over the cited prior art are applicable in distinguishing claim 25 over the same art.

Claim 29 has been amended to include similar limitations as claim 1, which has been shown to overcome the present rejection. The applicant believes that the same reasons that distinguish claim 1 over the cited prior art are applicable in distinguishing claim 29 over the same art.

Claim 32 is dependent upon claim 29 which has been shown to overcome the current rejection. The applicant believes that the same reasons that distinguish claim 29 over the cited prior art are applicable in distinguishing claim 32 over the same art.

3. Claims 3, 4, 9, 15, 16, 22, 27, 28, 30, and 31 have been rejected under 35 USC § 103 (a) as being unpatentable over Whitehead (U.S. Patent No. 5,732,077) in view of Park (U.S. Patent No. 6,212,364).

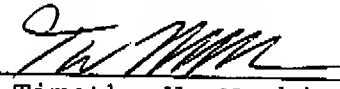
Since each of these claims are dependent upon a base claim which has been shown to be allowable over Whitehead, combining the teachings of Whitehead with Park does render the present dependent claims obvious. Therefore, the applicant believes that these claims overcome the present rejection.

For the foregoing reasons, the applicant believes that claims 1-3, 5-15, 17-25, 29, 30, and 32-35 are in condition for allowance and respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

RESPECTFULLY SUBMITTED,

By:

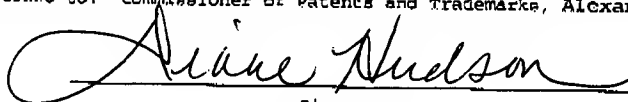
  
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